

AMENDED IN ASSEMBLY APRIL 29, 2009

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 821

Introduced by Assembly Member Brownley

February 26, 2009

An act to add Article 5 (commencing with Section 17615) to Chapter 5 of Part 10.5 of Division 1 of Title 1 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 821, as amended, Brownley. School facilities: maintenance.

(1) Existing law requires the governing board of any school district to give diligent care to the health and physical development of pupils.

This bill would create the Clean and Healthy Schools Act, and would make findings and declarations regarding indoor air quality and cleaning products. The bill would require all school districts and all nonpublic elementary and secondary schools with 50 or more pupils, by the ~~2010–11~~ 2011–12 school year, or when it is economically feasible, to purchase and use exclusively environmentally preferable cleaning and cleaning maintenance products, as specified. The bill would require a school district or school to ~~provide written notification~~ *submit a letter indicating* that it will not purchase and use environmentally preferable cleaning and cleaning maintenance products to the State Department of Education *and the local governing board*, annually, until it determines that it is economically feasible to comply with the requirements described above. The bill also would require the State Department of Education to post on its Internet Web site information to assist school

districts and schools to comply with these provisions. Because this bill would require school districts to perform new duties, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 5 (commencing with Section 17615) is
2 added to Chapter 5 of Part 10.5 of Division 1 of Title 1 of the
3 Education Code, to read:

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5 Article 5. Clean and Healthy Schools Act

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7 17615. This article may be cited as the Clean and Healthy
8 Schools Act.

9 17615.1. The Legislature finds and declares all of the following:

10 (a) Children are vulnerable to, and may be severely affected by,
11 exposure to chemicals, hazardous waste, and other environmental
12 hazards. The United States Environmental Protection Agency
13 estimates that human exposure to indoor air pollutants can be two
14 to five times and up to 100 times more hazardous than outdoor
15 levels, and that half of schools in the United States have poor
16 indoor air quality. The State Air Resources Board has found
17 significant indoor air quality problems in California's portable and
18 traditional classrooms.

19 (b) Pupils, teachers, janitors, and other staff members spend a
20 significant amount of time inside school buildings, during which
21 time they are exposed to cleaners and cleaning maintenance
22 products. Many cleaners and cleaning maintenance products
23 contain known carcinogens, reproductive toxins, chemicals that
24 cause asthma, and other hazardous ingredients.

1 (c) Asthma is the primary cause of school absences due to
2 chronic disease in the United States, and is the leading cause of
3 hospitalization for children under 15 years of age in California.

4 (d) Section 12400 of the Public Contract Code defines
5 “environmentally preferable purchasing” as the procurement or
6 acquisition of goods and services that have a lesser or reduced
7 effect on human health and the environment when compared with
8 competing goods or services that serve the same purpose.

9 (e) The benefits of cleaner indoor air in schools have been shown
10 to reduce the incidence of asthma, allergies, and absenteeism in
11 pupils, as well as increase teacher retention rates and reduce
12 workers’ compensation claims. The use of environmentally
13 preferable cleaning and cleaning maintenance products contributes
14 to cleaner indoor air quality.

15 (f) Third-party, independent, voluntary certification programs
16 exist that set standards for, and evaluate, environmentally
17 preferable cleaning and cleaning maintenance products, such as
18 Green Seal and EcoLogo, among others, and current standards
19 establish environmental requirements for industrial and institutional
20 general-purpose, restroom, glass, carpet cleaners, floor care
21 products, and handsoaps, intended for routine cleaning of offices,
22 schools, and institutions, and include consideration of vulnerable
23 populations in institutional settings, such as schools and day-care
24 facilities. Paint is not used or applied daily or often, and is not a
25 general-purpose product used for routine cleaning of school
26 facilities as described in this section. Products certified under these
27 standards cannot contain carcinogens, mutagens, reproductive
28 toxins, ingredients that cause asthma, ingredients that are corrosive
29 to skin and eyes, heavy metals, including lead, hexavalent
30 chromium, or selenium, either in elemental form or compounds,
31 2-butoxyethanol, alkylphenol ethoxylates, phthalates,
32 ozone-depleting chemicals, or optical brighteners. The standards
33 also establish specific limits on ingredients for acute toxicity, skin
34 absorption, volatile organic compound content, inhalation toxicity,
35 toxicity to aquatic life, bioaccumulating compounds,
36 biodegradability, eutrophication, combustibility, and fragrances.
37 The standards define requirements for concentrates, dispensing
38 systems, packaging, recyclability, labeling, and training. Standards
39 are revised periodically and may apply to additional categories of
40 products. Currently, the standards do not apply to cleaners for

1 household use, food preparation operations, or medical facilities,
2 and do not apply to air fresheners, enzymatic, or microbially active
3 products required to be registered under the Federal Insecticide,
4 Fungicide, and Rodenticide Act, such as those making claims as
5 disinfectants or sanitizers.

6 (g) Existing law establishes the public school system, imposes
7 various safety requirements, and provides state funding to school
8 districts that contribute to operating budgets that already include
9 janitorial programs. Schools are encouraged to use the State of
10 California Procurement Contract to purchase environmentally
11 preferable cleaning and cleaning maintenance products to maximize
12 the available discounts and avoid developing their own separate
13 bids.

14 17615.2. As used in this article:

15 (a) “Economically feasible” means that there is no net increase
16 in the cleaning costs of a school.

17 (b) “Environmentally preferable cleaning and cleaning
18 maintenance product intended for routine cleaning and cleaning
19 maintenance, including, but not limited to, general-purpose
20 cleaners, bathroom cleaners, carpet cleaners, glass cleaners, floor
21 cleaners, floor finishes, floor strippers, hand cleaners, and soaps”
22 means a product that meets independent, third-party certification
23 criteria for lesser or reduced effects on human health and the
24 environment compared with competing goods or services that serve
25 the same purpose. “Environmentally preferable cleaning and
26 maintenance product” does not include any disinfecting cleaner,
27 sanitizer, or any other antimicrobial product regulated by the
28 Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec.
29 136 et seq.), until the United States Environmental Protection
30 Agency adopts a final rule that may allow these products to make
31 environmentally preferable claims and obtain and use
32 environmentally preferable certifications.

33 (c) “Third-party certification” means certification by an
34 established, independent, nationally recognized program developed
35 for the purpose of identifying environmentally preferable products
36 and that meets, at a minimum all of the following criteria:

37 (1) Has an open, public process for setting standards that
38 involves key stakeholders.

39 (2) Clearly defines the fees a manufacturer must pay for
40 certification.

1 (3) Clearly avoids conflicts of interest in the standard setting
2 and product evaluation process.

3 (4) Has the criteria and standards for certification published and
4 publicly available and easily accessible to purchasers,
5 manufacturers, and the general public, such as through the
6 program's Internet Web site, and includes a list of certified
7 products that meet the standards.

8 (5) Bases certification of the product and its packaging on
9 criteria for reducing effects on human health and safety, ecological
10 toxicity, other environmental impacts, and resource conservation,
11 including, at a minimum, consideration of chemicals that cause
12 cancer, mutagenic and reproductive harm, organ and nervous
13 system damage, asthma, smog, ozone depletion, aquatic toxicity,
14 bioaccumulation, and eutrophication.

15 (6) Requires periodic revisions and updates of the standards to
16 remain consistent with current research about the potential impact
17 of chemicals on human health and the environment.

18 (7) Monitors and reinforces the standards, provides for the
19 authority to inspect the manufacturing facilities, and periodically
20 does so.

21 (8) Has a registered, legally protected certification mark.

22 (9) If possible, is developed by consensus among key
23 stakeholders.

24 (10) Establishes a leadership level in standards for products.

25 17615.3. (a) By the ~~2010-11~~ 2011-12 school year, or when
26 it is economically feasible, all school districts, and all nonpublic
27 elementary and secondary schools with 50 or more pupils, shall
28 purchase and use exclusively environmentally preferable cleaning
29 and cleaning maintenance products if an environmentally preferable
30 cleaning and cleaning maintenance product exists.

31 (b) A school may deplete its existing cleaning and maintenance
32 supply stocks and implement the new requirements in the next
33 procurement cycle.

34 (c) If a school district or school determines that it is not
35 economically feasible to purchase and use environmentally
36 preferable cleaning and cleaning maintenance products by the
37 ~~2010-11~~ 2011-12 school year, the school district or school shall
38 ~~provide written notification~~ *submit a letter indicating* that it will
39 not purchase and use environmentally preferable cleaning and
40 cleaning maintenance products to the State Department of

1 Education *and the local governing board annually*, until it
 2 determines that it is economically feasible to comply with the
 3 requirements of subdivision (a).

4 17615.4. The State Department of Education shall post
 5 information on its Internet Web site to assist school districts and
 6 schools in complying with Section 17615.3.

7 17615.5. This article sets minimum standards for cleaning
 8 products used in schools. Nothing in this article shall prevent local
 9 jurisdictions from adopting guidelines that are more stringent than
 10 those defined in this article.

11 SEC. 2. If the Commission on State Mandates determines that
 12 this act contains costs mandated by the state, reimbursement to
 13 local agencies and school districts for those costs shall be made
 14 pursuant to Part 7 (commencing with Section 17500) of Division
 15 4 of Title 2 of the Government Code.

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18 **CORRECTIONS:**

19 **Text—Page 4.**

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